

1 Peter A. Dubrawski (Bar No. 65677)
2 Krsto Mijanovic (Bar No. 205060)
3 HAIGHT BROWN & BONESTEEL LLP
4 6080 Center Drive, Suite 800
5 Los Angeles, CA 90045-1574
6 Telephone: 310.215.7100
7 Facsimile: 310.215.7300

8 Attorneys for Defendant
9 BROAN-NUTONE LLC

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CALIFORNIA STATE AUTOMOBILE)
ASSOCIATION INTER-INSURANCE)
BUREAU, as subrogee of Steven and)
Sheila Spieller,

Plaintiff,

vs.

WHIRLPOOL CORPORATION;
MAYTAG CORPORATION; BROAN-
NuTONE LLC and DOES 1 through 25,
Inclusive,

Defendant.

Case No. 3:10-CV-01570-JSW

Judge Hon. Jeffrey S. White

**STIPULATION OF PARTIES TO
MODIFY SCHEDULING ORDER
TO EXTEND DISCOVERY AND
EXPERT CUT-OFF DATES**

All parties hereto, by and through their attorneys of record, stipulate as follows:

1. This matter involves a fire loss that occurred on August 6, 2007 at a residence located at 304 Miramontes Avenue, Half Moon Bay, California. The fire was investigated by the Half Moon Bay Fire Department. On information and belief, the Half Moon Bay Fire Department merged with the Coastsides Fire Department, and eventually came to be known as CAL-FIRE.

2. Broan-NuTone LLC has diligently pursued discovery; however, due to the merger of the two fire departments, CAL-FIRE was not able to locate and

1 identify the individuals from the responding fire department who investigated the
2 subject fire, as well as the photographs of fire. The absence of this information has
3 prevented Broan-NuTone LLC from determining the facts and circumstances
4 surrounding the subject fire. It was not until recently that Broan-NuTone was
5 finally able to track down the lead investigator to secure his deposition.

6 3. Furthermore, over the past 12 months, Broan-NuTone LLC has also
7 had great difficulty locating witness Martiza Spieller, who was the last person to
8 leave the subject premises before the fire. After a diligent search, Broan-NuTone
9 LLC discovered that Ms. Spieller was a student at San Luis Obispo, and secured her
10 deposition earlier this month.

11 4. Plaintiff recently noticed the deposition of the 30(b)(6) witness of
12 Broan-NuTone LLC, however, due to scheduling conflicts and the fact that Broan's
13 company witness resides in Wisconsin, said deposition was unable to go forward.
14 The parties hereby agree to a short continuance of the discovery cut-off and expert
15 designation periods so as to give the parties sufficient time to complete discovery.

16 5. Furthermore, now that the parties have been able to secure the fire
17 investigation materials and deposition testimony of the fire department, the parties
18 have agreed to submit this matter to private mediation.

19 6. Under the existing Scheduling Order, the discovery cut-off is May 23,
20 2011 and plaintiff's expert designation is due on May 31, 2011, and defendant's
21 expert designation is due on June 27, 2011. The Pre-Trial Conference is scheduled
22 on October 3, 2011, and the Trial is scheduled on October 24, 2011.

23 7. Accordingly, the parties so stipulate to extend the non-expert and
24 expert discovery as follows:

25 a. Discovery Cut-Off: July 11, 2011
26 b. Plaintiff's Expert Designation: August 1, 2011
27 c. Defendant's Expert Designation: August 29, 2011

1 8. The original Pre-Trial Conference and the Trial dates shall remain.
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3 **IT IS SO STIPULATED.**

5 Dated: May 20, 2011

HAIGHT BROWN & BONESTEEL LLP

7 By: /s/ Krsto Mijanovic

8 Peter A. Dubrawski
9 Krsto Mijanovic
10 Attorneys for Defendant
11 BROAN-NUTONE LLC

13 Dated: May 20, 2011

JANG & ASSOCIATES

13 By: /s/ Joseph Aslieford

14 Joseph Astleford
15 Attorneys for Plaintiff
16 CALIFORNIA STATE
17 AUTOMOBILE ASSOCIATION
18 INTER-INSURANCE BUREAU

18 **IT IS SO ORDERED.**

20 Dated: May 24, 2011

21 
22 Hon. Jeffrey S. White
23 Judge, United States District Court